IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 360 of 1998

in

SPECIAL CIVIL APPLICATIONNo 6546 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JAYANTILAL R PARMAR

Versus

NUTAN BHARATI GRAM VIDYALAYA

Appearance:

MR PR ABICHANDANI for Appellant

MR DK ACHARYA for Respondent No. 1

Ms.Harsha Devani, learned A.G.P. for respondent No.2.

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE R.R.TRIPATHI

Date of decision: 28/09/2000

ORAL JUDGEMENT(Per: M.R.Calla,J)

This Letters Patent Appeal is directed against the judgment and order dated 20.2.98 passed by the learned single Judge in Special Civil Application No.6546/93 whereby Special Civil Application filed by present appellant had been rejected on the ground that the respondent No.1 is not covered by the definition of State or other authorities under Article 12 of the Constitution of India and is not an agency or instrumentality of the State. The appellant was employed with the respondent - Nutan Bharati Gram Vidyalaya as a Lecturer since 20.9.90 and his services were terminated on 24.6.93 on the ground that his services were no more required. It is given out that there was dearth of students and shortfall of the work load. Mr. Abichandani has assailed the judgment of the learned single Judge and has submitted that it is contrary to the law laid down by the Supreme Court in the case of K. Krishnamacharyulu v. Sri Venkateswara Hindu College of Engineering and another, reported in 1998 Lab. I.C. 405.

During the course of arguments Mr. Acharya appearing for the respondent No.1 has very candidly stated that the respondent No.1 is prepared to take the appellant back in service on the same post from the date he reports for duty provided the appellant does not press for the wages during the period intervening the date of termination uptill now. In response to this statement made by Mr.Acharya, the appellant Jayantilal R.Parmar,who is present in the court, has responded through his lawyer Mr. Abichandani that he will not claim any wages for the intervening period from the date of termination till the date he reports back on duty and Mr. Abichandani, learned counsel for the appellant, in this view of the matter seeks to withdraw this Letters Patent Appeal under the instructions of his client, who himself is present before us. Mr. Acharya has submitted that the orders appointing him on the same post shall be issued on the date the appellant reports on any working day before the Managing Director of the Nutan Bharati Gram Vidyalaya. Ordered accordingly. This Letters Patent Appeal is, therefore, dismissed as withdrawn. Notice is hereby discharged. No order as to costs.

(M.R.Calla,J)

(R.R.Tripathi,J)